

REMARKS/ARGUMENTS

Claims 1-22 remain in the application.

A. Rejections under 35 U.S.C. 102.

Claims 1-5, 10-18, and 20-22 were rejected under 35 U.S.C. 102 based upon Colby. This rejection is respectfully traversed.

Claim 1 calls for, among other things, composing a composite data set comprising portions of at least two data sets such that an amount of data from each of the data sets within the composite data set is based upon relative priorities between each of the at least two data sets. The cited portion of Colby does not seem to discuss composition a composite data set of any kind. More specifically Colby does not appear to contemplate a composite data set in which the amount of data from each of one or more constituent data sets is selected based upon a relative priority. For at least these reasons claim 1 is neither anticipated nor made obvious by Colby.

Claims 2-5 and 10-15 that depend from claim 1 are believed to be allowable for at least the same reasons as claim 1. Moreover, the Colby reference does not appear to discuss grouping of buffers called for in claim 2, adjusting the size of a connection buffer called for in claim 3, the specific time interval of claim 4, nor the other limitations appearing in claims 2-5 and 10-15. For at least these reason the rejection of claims 1-5 and 10-15 should be withdrawn.

Independent claim 16 was rejected for "the same reasons" as claim 1. However, the structure, scope and limitations found in claim 16 are entirely distinct from claim 1. Hence, the Office action fails to state a prima facie case of anticipation or obviousness and it is respectfully requested that the rejection be withdrawn.

Claims 17 and 18 and 20-22 that depend from claim 16 are believed to be allowable for at least the same reasons as claim 16 as well as the independent

elements called out in dependent claims 17-18 and 20-22 that are not shown or suggested in the Colby reference.

B. Rejections under 35 U.S.C. 103.

Claims 6 and 19 were rejected under 35 U.S.C. 103 based upon Colby in view of Kawamura. Claims 7 and 8 were rejected under 35 U.S.C. 103 based upon Colby in view of Kawamura and further in view of McCormack. Claim 9 was rejected under 35 U.S.C. 103 based upon Colby in view of Kawamura and further in view of McCormack in combination with the Benhase et al. reference. These rejections are respectfully traversed.

Neither Kawamura, McCormack, nor Benhase et al. supply the deficiencies of Colby set out above. In each case the motivation for the combination or changes suggested in the Office action comes strictly from Applicant's own teaching, which cannot be used against him. For example, the motivation to combine Kawamura with McCormack is stated as giving high priority data its own buffer to be forwarded to the network first. This rationale is not found in the references...it is lifted straight from applicant's specification. Further still, many of the rejections simply state "for similar reasons as stated above" even though the limitations in the claims are quite distinct from each other. For at least these reasons the rejections of claims 6, 7, 8, 9 and 19 should be withdrawn.

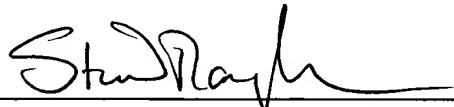
C. Conclusion.

The references that were cited but not relied upon are no more relevant than the references that were relied upon. In view of all of the above, the claims are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

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January 27, 2005

Respectfully submitted,



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